

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No. 3:15-00093
)	Senior Judge Aspen
JARRATT A. TURNER)	

DEFENDANT’S PROPOSED VOIR DIRE QUESTIONS

Pursuant to this Court’s order dated July 8, 2016, (D.E. 28), and Rule 24(a) of the *Federal Rules of Criminal Procedure*, Jarratt Turner, proposes the voir dire questions contained herein be asked of prospective jurors so that the defense may effectively exercise its challenges for cause and peremptory challenges. The defense reserves the right to supplement these questions upon receiving the government’s questions and upon hearing the venire’s response to questions asked by the Court.

I.

PERSONAL BACKGROUND

1. Please state your name and, if you are married, your spouse’s name.
2. Please state your employment status, for example, employed full, part-time, disabled, or work in the home, or if retired, please identify your previous employment.
3. If you are married, would you please describe what type of work your spouse does; or, if your spouse is retired or disabled, what type of work your spouse did perform.
4. Do you have any children? If so, what are their ages and gender?
5. What is your highest level of education?
6. Have any of you ever served in the armed forces?
 - a. If yes, what branch?
 - b. What was your rank?

- c. Were you ever involved in military law enforcement or the military court system?
- 7. Are any of you or your family members, past or present employees of or have a business relationship with the federal or state or local government?
 - a. If so, what agency or department?
 - b. How long?
 - c. What is the job title, position, or contract type?
 - d. What duties are performed in this job or contract?
- 8. Do you have any health issues (e.g. sight, hearing, emotional, mental) which may affect your service as a juror?
 - a. If yes, please explain.
- 9. Do you require regular or frequent medication, or medical care?
 - a. If yes, please describe the nature of the medication, its effect on you, and the frequency in which you take such medication.
- 10. Do you have any personal, employment, or family activities or obligations which would make it difficult to serve as a juror?

If yes, what best describes what those problems are:

- ☐ I won't get paid by my employer during jury service.
- ☐ I have physical disabilities that would make jury service difficult.
- ☐ I can't afford the extra travel expenses that jury service would require.
- ☐ I have young children and can't arrange or afford alternative child care.
- ☐ I have a family member with a medical or other condition who requires my attention during the trial.
- ☐ I have vacation plans for the course of this trial and they cannot be rescheduled.
- ☐ Other (Please describe)

III.

PRETRIAL PUBLICITY AND MEDIA ATTENTION

11. What TV Station(s) do you watch for local and/or national news?
12. Do you know, or have you heard of, Jarratt Turner?
13. Has anyone heard of this case or watched or read any news reports regarding this case?
14. If yes, please describe what you have heard, read, seen, or discussed, and any opinions you may have formed about Jarratt Turner as a result.
15. If so, have you discussed this case with any members of your family or friends?
 - a. Have you formed any opinions about this case?
 - b. Would having heard or seen what you did cause you, in any way, to lean in favor of either party in this case?
16. The Court wants to make sure that this case is decided solely on the evidence in the courtroom and not based on things that are said outside the courtroom. Accordingly, the Court will advise you periodically that you must avoid reading about the case in the newspapers or listening to any radio or television reports about the case. The Court will also advise you periodically that you must avoid discussing the case with friends or family or other jurors during the course of the trial. Would these requirements pose any difficulty for you?

IV.

LEGAL BACKGROUND, LAW ENFORCEMENT TRAINING, AND DEALINGS WITH GOVERNMENTAL AGENCIES AND LAW ENFORCEMENT

17. Have any of you, or members of your family, had any legal training, taken any law courses, been employed by a law firm, or worked in the legal field?
 - a. If so, what type of training or work was it?
 - b. When?
 - c. Would you have any reservations following the instructions on the law given by the Court, even if those instructions are different from what you believe the law to be?
18. Do any of you have any experience with appointed criminal defense attorneys?
19. If so, have you formed an opinion one way or another about criminal defense attorneys?
20. Do any of you have any experience dealing with prosecutors or government agents?
21. If so, have any of you formed any opinions one way or the other in working with prosecutors or government agents?
22. Have you, family members or close friends ever worked for any government agencies? If so what agency?
23. Would any of you tend to give more or less weight to the testimony of a law enforcement agent or other government employee because he or she is a law enforcement agent or works for the government?
24. Have any of you or a family member or close friend ever had an unsatisfactory experience with a lawyer? If yes, what was the nature of the situation?

25. Have you ever been a party to a lawsuit; that is, a plaintiff or defendant?
- a. If yes, please explain the matter in dispute and the result.
 - b. Was there anything about this experience that left you with a negative impression of the legal system?
26. Have you, or members of your family, ever been involved in any dispute or litigation with the United States or any agency of the United States, including the Office of Inspector General or the Social Security Administration?
- a. If so, what was the dispute about?
 - b. If so, what role did you or your family members play in the litigation or dispute? That is, were you or your family members, the plaintiff, the defendant, or a witness?
 - c. What was the result?
 - d. Was there anything about this experience that left you with a negative impression of the legal system, the government or the governmental agency(ies)?
27. Have any of you had any experiences in dealing with the government, including the Office of Inspector General, or the Social Security Administration, that would bias you against the defendant?
28. Have any of you, or your family members or close friends, ever been interviewed, arrested, charged with a crime or been the subject of a criminal investigation?
- a. If so, please explain.
 - b. Was yours, or their, experiences positive or negative?

29. Have any of your spouse's friends or business associates ever had criminal charges (other than minor traffic offenses) brought against them?
- a. If so, please explain.
 - b. Were their experiences positive or negative?
30. Have you or any of your family members ever been victims of crime?

V.

PAST JURY EXPERIENCE

31. Have any of you ever served on a jury in the past?
- a.. If so, was it criminal, civil, or grand jury?
 - b. What type of case was involved in the trial?
 - c. Was a verdict reached?
 - d. What was the verdict?
32. Have any of you served as a foreperson of the jury?
- a.. Was a verdict reached?
 - b. What was the verdict?
33. Have any of you served on a jury that was unable to reach a verdict?
34. For those of you who have served on civil juries, do you understand that the burden of proof is much lower than the government's burden of proof in a criminal trial which is proof beyond a reasonable doubt?
35. Will each of you promise to follow the law as it applies to proof beyond a reasonable doubt and hold the government to that burden of proof?
36. If the instructions on the law given by the Court in this case differ from the legal instructions you received in your prior jury service, would you have any reservations following only the Court's instructions which will be given to you in this case?

VI.

PRESUMPTION OF INNOCENCE AND BURDEN OF PROOF

37. Do you think that just because Mr. Turner has been charged with crimes, he must have done at least something wrong?
38. Will you be able to make a decision on each count of the indictment independently, without considering any of the other charges?
39. The Court will instruct you that an indictment is nothing more than a document from the government alleging wrong-doing. It does not mean that the accused person is guilty, and it is not evidence of guilt. Is there any reason you would not be able to follow this instruction?
40. The Court will instruct you that the burden of proof in a criminal case is exclusively on the government. A defendant has no duty to prove his or her innocence. Is there any reason you would not be able to follow this instruction?
41. How do you feel about the government having the burden of proof?
42. The Court will instruct you that a defendant in a criminal case has the absolute right not to testify. Will you follow the Court's instruction and not consider the defendant's failure to testify in your decision?
43. Do you feel that the accused should tell their side of the story?
44. Do you feel that if an accused person had nothing to hide, then they would take the stand and tell their side of the story?
45. Can you think of reasons that an accused person would not take the stand and testify?

VII.

GENERAL EXPERIENCES AND ATTITUDES

- 46. Do you have any attitudes or experiences that would cause you to lean in favor of either the prosecution or the defendant in this case?
- 47. Do you have any special interest, personal stake, or moral investment in the outcome of this case, or do you know of anyone who may have a special interest in the outcome of this case?
- 48. Do you have any personal reason for wanting to serve as a juror in this case?
- 49. In your opinion, is there anything about this case, the issues, and/or the people involved in this case that might hinder you, even slightly, from being an impartial juror? If so, please explain.
- 50. Do each of you understand that the government has the burden of proving the defendant's guilt beyond a reasonable doubt, and the defendant is not obligated to produce any evidence and is presumed innocent unless the government meets that burden?
- 51. Do each of you promise to follow the Court's instructions regarding the government's burden of proof and the defendant's presumption of innocence?

RELIGIOUS ACTIVITIES

- 52. Are you a member of a church, temple, mosque, or other religious organization? If so, what activities are you involved in with your religious organization?
- 53. Do any of you have any beliefs religious, ethical or otherwise, that would make it difficult for you to be fair and impartial to the defendant?
 - a. If so, please explain or describe the situation.

CIVIC ACTIVITIES

- 54. Are you registered to vote? If yes, do you vote regularly?
- 55. Are you affiliated with or do you identify with any of the following political parties Democratic Party, Republican Party, Tea Party, Libertarian Party, Green

Party, Other?

56. Please name and describe any societies, unions, professional organizations, volunteer groups, victim's rights/ support groups, community organizations, or other organizations in which you or your immediate family are members.

CASE RELATED

57. What are your views on homosexuality?
58. Are you, any of your close family, friends, or colleagues members of the LGBTQ community?
59. What are your views on non-marital sex?
60. Do you believe that it is wrong for members of the same gender to have sex with each other?
61. Do you believe that it is wrong for people to have multiple sexual partners at any given time?
62. What are your personal views about adult pornography?
63. What are your personal views regarding persons who participate in the production of child pornography?
64. This case may involve disturbing images. Can you view images of child pornography and still pay attention to the substance of the evidence without making a determination of not guilty or guilty until you have heard/viewed all of the evidence?
65. Have you, a family member, or close friend ever been sexually abused?
- a. If yes, was the matter addressed in criminal court?
 - b. What was the outcome?
 - c. How do you feel about the abuse?
 - d. How would that experience affect what you hear in this case?
66. Have you, a family member, or close friend, ever been accused of any sex related offenses?
- a. If yes, what were the circumstances?

- b. Was the matter resolved in court? What was the result?
- c. How would that experience affect what you hear in this case?

Respectfully submitted,

s/ Dumaka Shabazz

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CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of August, 2016, I electronically filed the foregoing Defendant's Proposed Voir Dire Questions with the U.S. District Court Clerk by using the CM/ECF system, which will send a Notice of Electronic Filing to S. Carran Daughtrey and Henry C. Leventis, Assistant U.S. Attorneys, 110 Ninth Avenue South, A-961, Nashville, TN 37203-3870.

A copy has also been sent, *via facsimile* to 312-554-8515, Chambers of the Honorable Marvin E. Aspen, U.S. District Judge.

s/ Dumaka Shabazz

DUMAKA SHABAZZ